

January 2, 2019

Caroline Haskins  
MuckRock News  
DEPT MR 63115  
Somerville, MA 02144

Re: **2019-STFO-00017**

Dear Ms. Haskins:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Science and Technology Directorate (S&T), dated November 02, 2018, and received by this office on November 02, 2018. You are seeking the following records:

1. Any software and algorithms developed for the implementation of the program. I'm particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual. More generally, I would like any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.
2. All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries. This also includes any description of input and output data fields that will aid in understanding the type of information that is submitted to the software, and that is produced by the software.
3. A copy of any privacy impact assessments, use policies, standard operating procedures, data retention policies, legal opinions, warranties, non-disclosure

agreements, contracts, liability waivers, insurance agreements, Requests for Proposals, Responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, usage policies, or informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.

4. A copy of any funding opportunity announcements, grant applications and grantor status/progress reports, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records, including but not limited to security audits of the software, misuse reports, and reports to oversight bodies.
5. A copy of any validation studies conducted with respect to the program or with respect to any software or algorithms used in connection with the program, and a copy of any records pertaining to inquiries for the need of validation studies, or discussion of potential or actual validation studies. By "validation study," I mean any study designed to assess how accurate the program is in predicting what it is supposed to predict, or to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes, or may produce any results that are biased or unexpected in any way.
6. For the aspects of the software that require an input, for example, to compute a value, we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is.

We conducted a comprehensive search of files within the DHS Science and Technology Directorate for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the DHS Science and Technology Directorate that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2019-STFO-00017**.

You may send an e-mail to [stfoia@hq.dhs.gov](mailto:stfoia@hq.dhs.gov), call 202-254-5700, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services

(OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Provisions of FOIA [AND THE PRIVACY ACT] allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

Sincerely,

**Erica Talley**

Erica Talley  
FOIA Officer (Acting)